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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,625	11/02/2000	Yoshiki Kawaoka	0879-0248P	1701
2292	7590	04/08/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, DOUGLAS Q	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 04/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/703,625

Applicant(s)

KAWAOKA, YOSHIKI

Examiner

Douglas Q. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3; 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubo et al. (US Patent No. 5,828,461).

As to claim 1, Kubo teaches a printing system (fig. 2) that prints an image (image is printed at the printer 34) according to inputted image data (i.e., the read image from a scanner 32 in fig. 2), the printing system comprising:

an evaluating device (i.e., the personal computer 12 “fig. 1” includes a CPU 14 for performing calculation and various control, col. 12, lines 10-13) that performs evaluation of a quality of the image to be printed “i.e., print density data P” according to the inputted image data (it is noted that the image data is read from the scanner 32 “fig. 2; col. 12, lines 65-66” is outputted to an original/paper characteristics correcting portion “48 in fig. 2”, which would be controlled by the CPU 14 of the personal computer 12. Col. 14, lines 51-61 describes that the original/paper characteristics correcting portion 48 for evaluating of the quality of the image to

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be printed by establishing the print density data  $f$ , which is considered as the data of the quality of the image, based on the kind of original image and the kind of photosensitive material "i.e., printing paper" and outputting the print density data  $f$  to the monitor display "col. 14, lines 62-67");

a displaying device (30 in fig. 1) that displays a result of the evaluation on the evaluating device (col. 14, lines 62-67 describes that the result of the evaluation "i.e., the print density data  $f$ " is inputted to a paper/monitor characteristics correcting portion 50 for displaying on the monitor 30 "fig. 2").

As to claim 2, Kubo discloses every feature discussed in claim 1, and Kubo further teaches a calculating device (i.e., the original/paper characteristics correcting portion "48 in fig. 2") that calculates at least one of a gradation compensation amount and a color compensation amount according to the inputted image data; and a device (i.e., the original/paper characteristics correcting portion "48 in fig. 2") that evaluates the quality of the image (i.e., print density data  $f$ ) according to the compensation amount calculated by the calculating device (col. 15, lines 3-11 describes that the print density data  $f$  is displayed on the monitor in which the gradation and color tone of the print, obtained when the print is prepared with the paper being exposed by the photographic printer 34 on the basis of the print density data  $f$ , coincides with appearances of gradation and color tone displayed on the monitor 30. Therefore, the print density data  $f$ , which would be the data of quality of the image displayed on the monitor, is evaluated from the original/paper characteristics correcting portion 48 based on the calculation of the gradation compensation amount and the color compensation amount of the image for printing. The calculation of at least one of the gradation compensation amount and the color compensation

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amount would be calculated from the original/paper characteristics correcting portion "48 in fig. 2" and "col. 14, lines 37-50").

As to claim 3, Kubo discloses every feature discussed in claim 2, and Kubo further Kubo teaches a compensating device (i.e., the analogue exposure system ) that produces new image data for printing from the inputted image data according to the compensation amount calculated by the calculating device (col. 17, lines 34-38 describes that the print density data  $f$ , which includes the gradation and color compensation amount "discussed in claim 2", obtained from the original/paper characteristics correcting portion 48 which allows an image of an original to be printed in an image quality which equal to that at the time of printing using the analogue exposure system. Therefore, the new image data in a form of the image quality is produced for printing at the analogue exposure system, which would be considered as the compensating device for producing the new image data).

#### *Allowable Subject Matter*

4. Claims 4-6 are objected.

Claim 4 is objected to as being dependent upon a rejected base claim 1 but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 4, the closest prior art such as Kubo et al. (US Patent No. 5,828,461) discloses the print density data  $f$ , which is evaluated from the gradation and color compensation amount, obtained from the original/paper characteristics correcting portion 48 for displaying to the monitor and allowing an image of an original to be printed in an image quality which equal to

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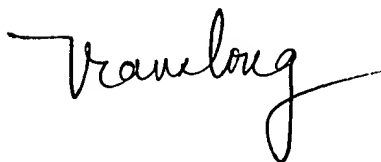
that at the time of printing using the analogue exposure system. However, Kubo, including an electronic text search, would not teach "a determining device that determines whether or not the compensation amount calculated by the calculating device exceeds a limit; and a warning device that warns that the image can not be finely printed if the determining device determines that the compensation amount exceeds the limit". Therefore, the above underlined limitations would be allowable.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran  
Apr. 02, 2004

A handwritten signature in cursive script, appearing to read "Tran Douglas", written in black ink.